

**SPECIAL MEETING of the Town Council held Monday, January 31, 2011 at 7:00 P.M. in the Council Chamber, Town Building, 105 Harrisville Main St., Harrisville for and within the Town of Burrillville.**

**PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson**

**MEMBERS ABSENT: None**

**OTHERS PRESENT: Senator Paul W. Fogarty, Representatives Cale P. Keable and Brian C. Newberry**

**The purpose of the meeting is consideration and action on the 2011 Legislative Agenda of the Burrillville Town Council**

**Consider and act on pending and proposed legislation**

**Senator Fogarty and Representatives Keable and Newberry and the Burrillville Town Council and Town Manager reviewed and discussed items proposed for the 2011/12 Legislative Agenda. After discussion, the Town Council voted on the items.**

**1. Police Officers' Bill of Rights (Very High Priority)**

**Please oppose any statewide efforts to file new legislation that grants additional benefits/rights to the Police Officers' Bill of Rights process**

**or that further erodes the ability of local Police Chiefs and municipalities to manage their personnel.**

**VOTED to support.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.**

## **2. 2011 – S 0063 and 2011 – H 5187 Ratifying Charter Changes**

**Thank you for introducing this legislation. Please strongly support these bills, which will ratify the Home Rule Charter of Burrillville as amended on November 2, 2010. Please advocate that these bills are adopted promptly without modification.**

**VOTED to support.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.**

## **3. RIGL §32-6: Recreation Immunity (High Priority)**

**Please oppose changes in the recreation use immunity statute (§32-6)**  
**Notes: The legislators are requested to inform the Town should legislation be introduced that would make it easier to get a judgment against the municipalities.**

**VOTED to support opposition to Recreation Immunity changes.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor David J. Place. The motion carried, five in favor, two opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, David J. Place and Stephen N. Rawson. Councilors Edward J. Blanchard and Kevin D. Heitke voted in opposition.**

#### **4. RIGL §44-5-2 Maximum Levy (Tax Cap Legislation)**

##### **S3050: Property Tax Legislation**

**The tax cap legislation passed a few years ago, S3050, has inequities and flaws. The Council asks that changes or modifications be introduced and/or supported.**

- That revenue resulting from new growth and related valuation in a city or town be added to the statutory levy limit rather than incorporated within the statutory cap limit.**

**That any amount of the full statutory levy limit allowed in any fiscal year that is not used by community be reserved for use in a future fiscal year.**

- To better define what expenditures can be exempted from the tax**

**cap. Example: Debt service that has been authorized by a referendum vote of a city or town.**

- **Currently, the law requires school departments to only submit a budget that is within the statutory cap limits. The law should be changed so that the actual appropriation to school departments cannot exceed their share of the statutory cap limits.**

**NOTE: If Caruolo stays in place, this change would restrict the courts from awarding school departments more than their share of the statutory cap amount.**

- **Communities should be able to receive an automatic waiver of the statutory cap limits if Federal or State aid is reduced disproportionately in relation to other communities/school districts in the State.**

**VOTED to support changes, as suggested.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.**

## **5. Legislation Related to Delinquent Taxes**

**Legislators are asked to introduce legislation that would tie delinquent municipal tax accounts to a State process, thereby prohibiting delinquent taxpayers, or those allowing their property to**

**go to tax sale, from acquiring State licenses or other benefits**

- We need to stop land speculators or owners of undesirable property, e.g. potential Brownfields sites, dams, ponds or blighted/contaminated buildings from deliberately not paying taxes and/or attempting to pass these properties to a city or town via the tax taking process or by quit claim deeding to third parties (particularly to non-profits or tax exempt entities).**

**VOTED to support.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Stephen N. Rawson. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.**

## **6. Excise Tax Phase Out**

- The Town does not believe it is appropriate to continue the reduction of State aid needed to compensate the cities and towns for the revenue losses associated with the State's excise tax phase out plan.**
- Reducing/eliminating this State aid for this program simply shifts the tax burden from the State to cities and towns.**

**VOTED to support the position of the Council on excise tax phase out.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.**

**7. School Department Budget Appeals: Several years ago legislation almost passed which would have effectively allowed School Committees to bypass local budget authorities (Town Councils, town meetings, etc.) and appeal their final budget to third party, unelected administrative officials. This abrogates all local taxpayers' rights and effective control over local property taxes. Please oppose similar law(s) or process(es), which must not be enacted in any form or variation.**

**VOTED to endorse opposition to School Department budget appeals.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heiyke, David J. Place and Stephen N. Rawson.**

**8. RIGL 16-2-21.4: Support appropriate legislation to repeal "Caruolo" or to modify the legislation to comply with the new tax cap legislation**

**VOTED to support.**

**Motion by Councilor Edward J. Blanchard. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.**

**9. Restrictive laws: Please support legislation to repeal any State laws that are deemed to be more restrictive than federal legislation.**

**The matter was discussed. The item was excluded from the Legislative Agenda. No vote was taken.**

**10. Elimination of school mandates is important in these difficult financial times. Mandates rarely accomplish their intended objective and the funds originally targeted or set aside for these programs should be freed up so that each school district can determine the best use of its financial resources based on their own individual priorities.**

**Discussion: There was discussion of developing a list of mandates that could realistically be repealed. The importance of testifying in support of bills was discussed. Workshop(s) to identify those mandates were suggested.**

**VOTED to accept as presented and support.**

**Motion by Councilor Edward J. Blanchard. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.**

**11. Special Education Requirements: Please support modifications of RI Special Education requirements so they are the same as the Federal requirements. Currently RI requires more of schools in this area than the Federal law requires.**

**MOTION to support the scale back on the special education requirements to the Federal levels.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor David J. Place. The motion carried, six in favor, one opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson. Councilor Edward J. Blanchard voted in opposition.**

## **12. RIGL §16-7-44 RIHEBC**

- This is a law that was passed which mandates financing through Rhode Island Health and Educational Building Corporation (RIHEBC)**



of all school bond projects. Unless this is followed, cities and towns will not be eligible for bond interest reimbursement. Please introduce legislation that will provide an option for communities rated A or better (with any of the three primary rating agencies) to pursue selling their bonds on the open market and remain eligible for the bond's interest reimbursement from the State.

- With the exception of some economy of scale on the issuance costs, there was no significant benefit to the process.
- The Town still incurred bond counsel costs for reviewing the documents.
- The community is unable to time the sale of their bonds because RIHEBC determines the sale date. This can mean increased costs due to temporary borrowing because project logistics are directly impacted by the timing of the bond sale.

**VOTED to adopt a resolution, as follows:**

#### **Burrillville Town Council Resolution**

#### **Supporting Legislation – Amendments to §16-7-44**

#### **School housing project costs**

**WHEREAS, current provisions of §16-7-44. entitled School housing project costs, require that interest payments may only be included in project costs provided that the bonds for these projects are issued through the Rhode Island Health, Education and Building Corporation limit the ability of some communities in securing financing for school**

**projects; and**

**WHEREAS, the requirement that the bonds be issued through the Rhode Island Health, Education and Building Corporation negatively impacts the timeframe for issuance of bonds and acquisition of funds; and**

**WHEREAS, when school bonds must be issued through the Rhode Island Health, Education and Building Corporation, municipalities are unable to combine bond issues, resulting in duplicate costs; and**

**WHEREAS, those communities with a strong financial standing may secure more favorable rates by directly financing projects; and,**

**WHEREAS, communities should be encouraged to finance at the best possible rates; and**

**WHEREAS, interest payments should be included in school housing projects costs for projects in communities that have secured favorable financing due to their strong financial standing.**

**NOW THEREFORE BE IT RESOLVED THAT we, the Town Council of the Town of Burrillville on this 31st day of January 2011 do hereby respectfully request that RIGL §16-7-44. School housing project costs be amended to read as follows:**

**§ 16-7-44 School housing project costs. – School housing project costs, the date of completion of school housing projects, and the applicable amount of school housing project cost commitments shall be in accordance with the regulations of the commissioner of elementary and secondary education and the provisions of §§ 16-7-35**

– 16-7-47; provided, however, that school housing project costs shall include the purchase of sites, buildings, and equipment, the construction of buildings, and additions or renovations of existing buildings and/or facilities. School housing project costs shall include the cost of interest payment on any bond issued after July 1, 1988, provided that such bond is approved by the voters on or before June 30, 2003 or issued by a municipal public building authority or by the appropriate approving authority on or before June 30, 2003. Except as provided in subsection 16-7-41(d), those projects approved after June 30, 2003, interest payments may only be included in project costs provided that the bonds for these projects are issued through the Rhode Island Health, Education and Building Corporation or from communities with a stand alone investment grade rating of at least A as established by Fitch Ratings, Ltd., Moody's Investors Service, Inc., and/or Standard & Poor's Rating Service. School housing project costs shall exclude: (1) any bond issuance costs incurred by the municipality or regional school district; (2) demolition costs for buildings, facilities, or sites deemed surplus by the school committee; and (3) restrictions pursuant to § 16-7-44.1 below. A building, facility, or site is declared surplus by a school committee when the committee no longer has such building, facility, or site under its direct care and control and transfers control to the municipality, § 16-2-15. The board of regents for elementary and secondary education will promulgate rules and regulations for the administration of this section. These rules and regulations may provide for the use of lease revenue bonds, capital leases, or capital

reserve funding, to finance school housing provided that the term of any bond, or capital lease shall not be longer than the useful life of the project and these instruments are subject to the public review and voter approval otherwise required by law for the issuance of bonds or capital leases. Cities or towns issuing bonds, or leases issued by municipal public buildings authority for the benefit of a local community pursuant to chapter 50 of title 45 shall not require voter approval. Effective January 1, 2008, and except for interim finance mechanisms, refunding bonds, and bonds issued by the Rhode Island Health and Educational Building Corporation to finance school housing projects for towns, cities, or regional school districts borrowing for which has previously been authorized by an enabling act of the general assembly, all bonds, notes and other forms of indebtedness issued in support of school housing projects shall require passage of an enabling act by the general assembly.

**BE IT FURTHER RESOLVED** that the town clerk is hereby instructed to submit a copy of this resolution to various City and Town Councils of the State of Rhode Island seeking their consideration and support of this proposal.

**Adopted this 31st day of January 2011**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors**

**Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.**

### **13. Historic Tax Credits**

**Please support reinstatement of historic tax credit.**

**Motion by Councilor Edward J. Blanchard. Seconded by Councilor Margaret L. Dudley. The motion carried, six in favor, one opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, and Stephen N. Rawson. Councilor David J. Place voted in opposition.**

### **14. Economic Development Corporation**

- Please support any restructuring of State Government and/or the Economic Development Corporation, which will facilitate a closer working relationship and closer coordination with cities and towns. The state should assist local government whenever possible to retain and encourage expansion within the host community before looking at alternative sites within the state.**
- Everyone agrees that keeping existing business and industry in Rhode Island versus their relocation to other states is important, but the host community should be given every opportunity to retain their companies and offered assistance and resources to accomplish this task whenever possible.**

**VOTED to support.**

**Motion by Councilor Edward J. Blanchard. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.**

### **15. Brownfields**

**Work with the State of Rhode Island to consider property-tax or State tax incentives for Brownfields and adaptive mill re-use projects.**

**VOTED to support Brownfields tax remediation.**

**Motion by Councilor Kevin D. Heitke. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.**

### **16. Extended Producer Responsibility**

**The Burrillville Town Council urges the Rhode Island General Assembly to introduce comprehensive Extended Producer Responsibility legislation based on the Framework Principals for Product Stewardship Policy.**

**VOTED to support.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Kevin D. Heitke. The motion carried, six in favor, one opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke and Stephen N. Rawson. Councilor David J. Place voted in opposition.**

### **17. High-speed Telecommunications**

- An important factor for the business community to consider when relocating to areas such as Burrillville is the availability of high-speed, efficient communications networks, especially high-tech companies. Towns like Burrillville are being by-passed when high-speed telecommunications infrastructure and networks are being built. We need to be on equal footing with other cities and towns if we are to balance our growth (long-term) and remain competitive.**
- There really has to be some competition brought into Rhode Island to compete against Cox Cable, not only for residential uses but to provide cost effective options for government, business and industry.**

**VOTED to support high-speed telecommunications.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the**

**motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.**

## **18. Progressive Legislation**

**If any other cities and towns file progressive or innovative legislation, intended to enhance their (or the state's) economic development programs, please notify the Town Manager.**

**VOTED to support.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.**

## **19. Joint and Several Liability Law**

### **RI Interlocal TRUST Legislation**

- In recent legislative sessions there have been bills sponsored primarily by the Rhode Island Interlocal Trust which sought to change the joint and several liability law.**
- Currently, if a municipality is only 1% liable for financial damages, it can still be held 100% liable for the damages because the other parties do not have money/assets.**
- There are situations where the existing \$100,000 statutory limit**



**holds for the community, but not for the individual officials and/or employees, thereby increasing the potential financial damages a city or town could incur. Please support legislation focused on closing this loophole.**

**VOTED to adopt the following resolution:**

**Burrillville Town Council Resolution**

**Supporting Legislative Amendments**

**To Protect Rhode Island's Cities and Towns and Their Public Officials/Employees**

**WHEREAS, the Burrillville Town Council finds that cities and towns are being faced with ever increasing demands upon their finances and that public officials and employees are increasingly and unfairly confronted with threats of personal liability from their official acts on behalf of the public they serve; and**

**WHEREAS, the Burrillville Town Council finds that the legislative restrictions imposed upon the cities and towns relative to their ability to raise revenue have severely hampered the operations of municipal government; and**

**WHEREAS, the Burrillville Town Council finds that the current state of the law in Rhode Island imposes unfair burdens upon municipal government, its public officials and employees, and the taxpayers of Rhode Island's cities and towns due to a statutory scheme that imposes unreasonable liability upon the cities and towns of Rhode**

**Island; and**

**WHEREAS, the Burrillville Town Council finds that legislative reform is necessary in order to adequately protect municipal governments, their officials and employees and the taxpayers from inequitable treatment due to the current state of the law with respect to municipal liability.**

**NOW, THEREFORE, BE IT RESOLVED that we, the Burrillville Town Council respectfully request that the General Assembly support amendments to the Rhode Island General Laws as set forth:**

**§ 9-31-3 Limitation of damages – Cities, towns, and fire districts**

**In any tort action against the State of Rhode Island or any of its political subdivisions including but not limited to Cities, Towns or Fire Districts, any damages recovered therein shall not exceed the sum of one hundred thousand dollars (\$100,000); provided, however, that in all instances in which the State of Rhode Island or any of its political subdivisions including any city, town or fire district and/or any employee or official of said entities was engaged in a proprietary function in the commission of the tort, the limitation of damages set forth in this section shall not apply; and provided further, that any employee or official of said entities shall not be sued in his or her personal or individual capacity except when the act or omission was not within the scope of employment or, the act or omission was because of actual fraud, willful misconduct, or actual malice.**

## **§ 10-6-2. "Joint tortfeasors" defined**

**For the purposes of this chapter, the term "joint tortfeasors" means two (2) or more persons jointly or severally liable in tort for the same injury to person or property, whether or not judgment has been recovered against all or some of them; provided, however, that a master and servant or principal and agent shall be considered a single tortfeasor; and provided further that joint and several liability shall not apply to the State of Rhode Island, its political subdivisions and/or any employees or officials of said entities while performing any act or omission under the scope of such employment unless the proportionate liability of such public entity or employee is equal to or exceeds twenty-five percent (25%) of the total judgment. If the percentage of liability attributable to the public entity or its employee is less than 25%, then, the governmental entity is only responsible for its proportionate share of the judgment.**

## **§ 9-21-10. Interest in civil actions**

**(c) In any civil action in which a verdict is rendered or a decision made for pecuniary damages, in whole or in part, against the state, its political subdivisions, and/or any employees or officials of said entities while performing any act or omission under the scope of such employment, there shall be no award of pre-judgment interest. Post judgment interest, however, shall be calculated at the rate of twelve percent (12%) commencing four (4) weeks after the date the judgment was entered, per annum and accrue on the principal amount of the judgment. This section shall not apply to any**

**contractual obligation of such public entity where interest is already provided.**

**BE IT FURTHER RESOLVED** that the Burrillville Town Clerk is hereby instructed to submit a copy of this resolution to the Burrillville State Senators and State Representatives in the Rhode Island General Assembly seeking their consideration and support of the proposed legislative changes set forth above.

**Adopted this 31st day of January 2011**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor David J. Place. The motion carried, five in favor, two opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, David J. Place and Stephen N. Rawson. Councilors Edward J. Blanchard and Kevin D. Heitke voted in opposition.**

## **20. RIGL §9-21-10 - Statutory interest rates**

### **RI Interlocal TRUST Legislation**

- There have been bills in recent years, sponsored primarily by the Rhode Island Interlocal Trust, which sought to reduce the amount of interest paid on awards. The Town Council asks that you support such legislation.**
- The current problem is that the interest rate is 12% so it is to the benefit of suing parties to wait as long as possible to file and settle**

their cases because the interest accumulation is substantial. The 12% rate was established in the early 1980s when inflation was high. Intent is to either decrease the rate to a more representative amount such as 6% or tie it in with the current rate of Treasury Bills so that the matter doesn't need to be readdressed in the future.

- An argument should be made to exclude cities and towns from this provision of the law.

Note: There was discussion that the resolution adopted under #19 also addresses the issue raised under #20.

## **21. OPEB Trusts - 2011 H5137**

The Burrillville Town Council requests your support of this act, which will allow The Rhode Island Interlocal Trust to administer OPEB programs for cities/towns.

**VOTED to adopt a resolution, as follows:**

**Burrillville Town Council Resolution**

**In Support of General Assembly Bills**

**2011 – S 0050, 2011 – S 0051, 2011 – H 5137**

**Relating to Other Post-Employment Benefits – OPEB trusts.**

**Be It Hereby Resolved:**

**The Town Council of the Town of Burrillville, hereby supports the**

**enactment of and urges the Rhode Island General Assembly to adopt Bills 2011 – S 0050, 2011 – S 0051, 2011 – H 5137 Relating to Other Post-Employment Benefits – OPEB trusts, which would allow for shared service administration of OPEB trusts between municipalities. It would also allow city and town councils and regional school districts to jointly establish a corporation to manage and operate OPEB trusts.**

**BE IT FURTHER RESOLVED that the Burrillville Town Clerk is hereby instructed to submit a copy of this resolution to the Burrillville State Senators and State Representatives in the Rhode Island General Assembly seeking their consideration and support of the proposed legislative changes set forth above.**

**Adopted this 31st day of January 2011**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.**

**Note: John P. Mainville, Finance Director, was asked to provide a recommendation before the resolution was sent to the legislators.**

## **22. Uniform System of Accounting - 2011 S0052**

**The Burrillville Town Council requests your opposition of this act,**

**which would create a state-wide uniform system of auditing for municipal finances. After careful review, we conclude that this law will create administrative and financial hardships for many cities and towns. It is, effectively, an unfunded mandate.**

**VOTED to adopt a resolution, as follows:**

**Burrillville Town Council Resolution**

**In Opposition of Senate Bill**

**2011 – S 0052**

**An Act Relating Towns and Cities -**

**Audit of Accounts and Installation of Systems**

**WHEREAS, the purpose of this act to create a uniform system of auditing for municipal finances is purportedly to make municipal fiscal information readily and uniformly available; and**

**WHEREAS, since virtually all municipalities currently utilize reliable accounting software which can produce financial information effectively; and**

**WHEREAS, conversion to similar systems cannot succeed in producing similar results across 39 municipal organizations because of the difficulty instituting standard data entry practices, despite every intent and effort; and**

**WHEREAS, the requirement that Rhode Island School Districts adopt a uniform chart of accounts has been expensive and ineffective; and**

**WHEREAS, the costs in terms of dollars and labor to implement this**

**proposal statewide would be extensive, producing no benefit and without attaining the intended purpose of the Act.**

**NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville hereby opposes the enactment of Bill 2011 – S 0052, an Act Relating to Towns and Cities -**

**Audit of Accounts and Installation of Systems and respectfully requests that our legislative delegation oppose passage of this Act.**

**Adopted this 31st day of January 2011**

**Motion by Councilor Edward J. Blanchard. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.**

### **23. Unfunded Mandates**

**Introduce legislation to repeal ALL unfunded mandates.**

**Discussion: As discussed earlier, mandates that can be repealed should be identified for the legislators so that appropriate legislation can be developed.**

### **24. Retirement programs – State and Municipal Employees**

**Please introduce legislation that puts all retirement programs under**



**ERSRI and specify that all employees retire under the same rules. This would include Judges, State Police, Corrections etc. Communities lacking sufficient funds to endow (fund) their retirement programs under ERSRI shall have their state aid withheld until their pension plans are fully funded.**

**Discussion: John P. Mainville, Finance Director, reviewed State funding of state employee pensions, commented on the difference between private programs and the state plan, and discussed the Town's consistent funding of the retirement program.**

**VOTED to support #24, as written, and to include the recommendations from the administration.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.**

## **25. Binding Arbitration**

**There has been legislation introduced in recent years that would require binding arbitration in teachers collective bargaining processes. This will prove to be very costly to city and town taxpayers; awards and legal costs. This type of process serves as a disincentive for unions to bargain in good faith. We request strong**

**opposition of such legislation.**

**VOTED to support item 25.**

**Motion by Councilor David J. Place. Seconded by Councilor Wallace F. Lees. The motion carried, five in favor, two opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, David J. Place and Stephen N. Rawson. Councilors Edward J. Blanchard and Kevin D. Heitke voted in opposition.**

## **26. Collective Bargaining**

- Penalties and fines for striking or illegal work actions should be on each individual person on strike and, if applicable, the union as a whole.**
- Support legislation that would prohibit teachers from participating in so-called work-to-rule action.**

**MOTION to support.**

**Motion by Councilor Margaret L. Dudley. There was no second.**

**AMENDMENT that anything that seems to apply to this that the legislators see being introduced, that it would be appreciated if they bring it to our attention.**

**Amendment by Councilor Edward J. Blanchard. Seconded by Councilor David J. Place. The amendment carried, six in favor, one opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Kevin D. Heitke, David J. Place and Stephen N. Rawson. Councilor Margaret L. Dudley voted in opposition.**

## **27. Teacher's Group Life Insurance**

**Support a retired teachers' group life insurance amendment that would bring cost equity to non teachers receiving similar benefits for life insurance coverage.**

**VOTED to approve item #27.**

**Motion by Councilor David J. Place. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.**

**28. BCI Checks: RIGL §16-48.1 – entitled Certification of personnel providing educational services to very young children &**

**29. BCI Checks: RIGL §40-13.2-5 & 40-13.2-5.1 – entitled Certification of child care and youth serving agency workers**

**Local police departments are mandated to provide this service without charge. However, cities and towns are required to pay the**

**state \$30.00 for child care background checks. It is recommended that legislation be introduced to make the prospective employer or the person seeking employment responsible to pay this fee.**

**VOTED to adopt a resolution, as follows:**

**Burrillville Town Council Resolution**

**In Support of Legislation Relating to**

**RIGL §16-48.1 –Certification of personnel providing educational services to very young children; and**

**RIGL §40-13.2 – entitled Certification of child care and youth serving agency workers**

**WHEREAS, RIGL §§16-48.1-4, 16-48.1-5 and 40-13.2-4 require certain individuals to “apply to the bureau of criminal investigation of the state police or the local police department for a nationwide criminal records check”; and**

**WHEREAS, local police departments are mandated to provide this service without charge; and**

**WHEREAS, the cities and towns of the State are required to pay the state \$30.00 for child care background checks.**

**NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville, hereby supports the enactment of legislation relating to §§16-48.1-4, 16-48.1-5 and 40-13.2-4, that would allow the local police departments to convey the cost of the national BCI check**

to the applicant or agency that requests the check. Alternatively, the Town Council respectfully requests that §§16-48.1-4, 16-48.1-5 and 40-13.2-4 be amended to require that these BCI checks be conducted solely by bureau of criminal investigation.

**BE IT FURTHER RESOLVED** that the Burrillville Town Clerk is hereby instructed to submit a copy of this resolution to the Burrillville State Senators and State Representatives in the Rhode Island General Assembly respectfully requesting that they introduce and support of the legislative changes set forth above.

**Adopted this 31st day of January 2011**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.**

**30. RIGL §42-9-8.1 (Office of Investigation).**

**Please introduce legislation to add recreation departments as an authorized entity to request a background check from their local police departments for any employee or volunteer serving the community.**

**VOTED to adopt resolution, as follows:**

## **Burrillville Town Council Resolution**

### **In Support of Legislation Relating to §42-9-8.1**

#### **Office of investigation – Powers and duties of investigators.**

**WHEREAS, the various municipal Parks & Recreation Departments throughout Rhode Island depend upon the time and talent of hundreds of volunteers and employees who work with children in many capacities, including instruction, coaching, and child care; and  
WHEREAS, conducting background checks of these individuals is reasonable and responsible; and**

**WHEREAS, local police departments are prohibited from conducting BCI check unless specifically required by the General Laws of the State of Rhode Island; and**

**WHEREAS, the Office of Investigation may be unable to process the number of requests required; and**

**WHEREAS, the various municipalities desire a quick and simple BCI check procedure for their many hard-working volunteers.**

**NOW THEREFORE BE IT RESOLVED THAT we, the Town Council of the Town of Burrillville, hereby supports the enactment of legislation Relating to §42-9-8.1 Office of investigation – Powers and duties of investigators, which would specifically allow recreation departments to request a background check from their local police departments for any employee or volunteer serving the community.**

**BE IT FURTHER RESOLVED that the Burrillville Town Clerk is hereby**

**instructed to submit a copy of this resolution to the Burrillville State Senators and State Representatives in the Rhode Island General Assembly seeking their consideration and support of the proposed legislative changes set forth above.**

**Adopted this 31st day of January 2011**

**Motion by Councilor Edward J. Blanchard. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.**

**31. RIGL 11-47-11 Weapons - License or permit to carry concealed pistol or revolver**

**It is recommended that legislation be introduced to change RIGL 11-47-11 by replacing the word “shall” to the word “may”. This proposed change will remove the mandate and allow local licensing authorities the option of issuing a permit or referring the applicant to the Office of the Attorney General.**

**VOTED to adopt a resolution, as follows:**

**Burrillville Town Council Resolution**

**Supporting Legislation – Amendments to §11-47-11**

**License or permit to carry concealed pistol or revolver**

**NOW THEREFORE BE IT RESOLVED THAT we, the Town Council of the Town of Burrillville on this 31st day of January 2011 do hereby respectfully request that RIGL §11-47-11. License or permit to carry concealed pistol or revolver, be amended to read as follows:**

**§ 11-47-11 License or permit to carry concealed pistol or revolver. –**  
**(a) The licensing authorities of any city or town may shall, upon application of any person twenty-one (21) years of age or over having a bona fide residence or place of business within the city or town, or of any person twenty-one (21) years of age or over having a bona fide residence within the United States and a license or permit to carry a pistol or revolver concealed upon his or her person issued by the authorities of any other state or subdivision of the United States, issue a license or permit to the person to carry concealed upon his or her person a pistol or revolver everywhere within this state for four (4) years from date of issue, if it appears that the applicant has good reason to fear an injury to his or her person or property or has any other proper reason for carrying a pistol or revolver, and that he or she is a suitable person to be so licensed. The license or permit shall be in triplicate in form to be prescribed by the attorney general and shall bear the fingerprint, photograph, name, address, description, and signature of the licensee and the reason given for desiring a license or permit and in no case shall it contain the serial number of any firearm. The original shall be delivered to the licensee. Any member of the licensing authority, its agents, servants, and**



**employees shall be immune from suit in any action, civil or criminal, based upon any official act or decision, performed or made in good faith in issuing a license or permit under this chapter.**

**(b) Notwithstanding any other chapter or section of the general laws of the state of Rhode Island, the licensing authority of any city or town shall not provide or release to any individual, firm, association or corporation the name, address, or date of birth of any person who has held or currently holds a license or permit to carry a concealed pistol or revolver. This section shall not be construed to prohibit the release of any statistical data of a general nature relative to age, gender and racial or ethnic background nor shall it be construed to prevent the release of information to parties involved in any prosecution of § 11-47-8 or in response to a lawful subpoena in any criminal or civil action which the person is a party to that action.**

**BE IT FURTHER RESOLVED that the Burrillville Town Clerk is hereby instructed to submit a copy of this resolution to the Burrillville State Senators and State Representatives in the Rhode Island General Assembly respectfully requesting that they introduce and support the legislative changes set forth above.**

**Adopted this 31st day of January 2011**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Kevin D. Heitke. The motion carried, five in favor, two opposed. Voting in favor of the motion were Council President Nancy F. Binns and**

**Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley and Kevin D. Heitke. Councilors David J. Place and Stephen N. Rawson voted in opposition.**

**32. RIGL 33-21.1-14.1 Property held by police departments - 2011 – S0018**

**Please support this act, which would provide that police departments and local drug control divisions would be allowed to keep confiscated property, and any income derived from such property would be used for community or law enforcement purposes.**

**VOTED to adopt resolutions, as follows:**

**Burrillville Town Council Resolution**

**Supporting Legislation – Amendments to §33-21.1-14.1**

**Property Held by Police Departments.-**

**WHEREAS, at the Special Meeting of the Burrillville Town Council held on Monday, January 31, 2011 at 7:00 P.M. in the Council Chamber, Town Building, and at which time a quorum was present and acting throughout, the Town Council voted to support an Act to Amend R.I. General Laws §33-21.1-14.1. Property held by police departments; and**

**WHEREAS, tangible and intangible property, in the possession of police departments, is the result of that department's investigations and/or related efforts. In most, if not all, cases the local department**

can utilize the property and/or money for law enforcement purposes or community related projects; and

WHEREAS, the purpose of the proposed amendments to §33-21.1-14.1 is to enable law enforcement agencies to keep tangible and intangible property, unclaimed cash and money derived from the sale of seized and unclaimed property to be used for community functions to replace stolen property and for law enforcement purposes.

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville, do hereby request that §33-21.1-14.1. entitled “Property held by police departments” be amended to read as follows:

33-21.1-14.1. Property held by police departments. -- (a) All tangible and intangible personal property and any income from this property which has been confiscated by any city, town, or state police department or division of drug control and has been held in the custody of the department for six (6) months or more shall be presumed abandoned. Any city, town, or state police department or division of drug control shall be allowed to keep said tangible and intangible property and any income from this property shall be used by that city, town, or state police department or division of drug control to be used for police related community functions, to replace stolen property and for law enforcement purposes.

**BE IT FURTHER RESOLVED** that we, the Town Council of the Town of Burrillville, do respectfully request that our legislative delegation support passage of these amendments.

**This act shall take effect upon passage.**

**PASSED AS A RESOLUTION** of the Burrillville Town Council this 31st day of January 2011

**Burrillville Town Council Resolution**

**Supporting Legislation – Amendments to §33-21.1-14.1**

**Property Held by Police Departments.-**

**WHEREAS**, at the Special Meeting of the Burrillville Town Council held on Monday, January 31, 2011 at 7:00 P.M. in the Council Chamber, Town Building, and at which time a quorum was present and acting throughout, the Town Council considered and discussed their prior request for legislation that would amend R.I. General Laws §33-21.1-14.1. Property held by police departments; and

**WHEREAS**, tangible and intangible property, in the possession of police departments, is the result of that department's investigations and/or related efforts. In most, if not all, cases the local department can utilize the property and/or money for law enforcement purposes or community related projects; and

**WHEREAS**, the purpose of the proposed amendments to §33-21.1-14.1 is to enable law enforcement agencies to keep tangible

and intangible property, unclaimed cash and money derived from the sale of seized and unclaimed property to be used for community functions to replace stolen property and for law enforcement purposes.

**NOW THEREFORE BE IT RESOLVED** that we, the Town Council of the Town of Burrillville, hereby respectfully request that our legislative delegation support passage of Senate Bill 2011 – S0018 and ultimate adoption by the general assembly.

**Adopted this 31st day of January 2011.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.**

**33. RIGL 11-37.1: Sexual offender registration and community notification – costs**

**Notification provisions of this statute result in excessive expenses to municipalities. The Town requests that amendments be introduced that would provide for the cost of notification be borne by the offender.**

**VOTED to adopt a resolution, as follows:**

## **Burrillville Town Council Resolution**

### **Supporting Legislation:**

#### **Amendments to Section 11-37.1 entitled Sexual Offender Registration and Community Notification**

**WHEREAS, Rhode Island General Law §11-37.1-13 requires community notification when certain tier sex offenders reside in or relocate to a community; and**

**WHEREAS, notification includes, but is not limited to schools, parents of school children, libraries, clubs, recreational facilities or any location normally used by children within a reasonable proximity of the offender's residence; and**

**WHEREAS, the cost of notification, including, but not limited to, additional printing and mailings, are borne by the local police departments; and**

**WHEREAS, every time the offender relocates in the process must be repeated, resulting in undue, unanticipated expenses.**

**NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville, respectfully request that legislation be introduced Rhode Island General Law (RIGL) Chapter 37.1 entitled Sexual Offender Registration and Community Notification that would require the sexual offender to pay the costs related to the state mandated sexual notification policy.**

**PASSED AS A RESOLUTION of the Burrillville Town Council this 31st day of January 2011.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.**

### **34. NFPA 1500**

**The Town Council requests that you do not support any attempt to pass the 2009 NFPA Life Safety Code or portions thereof.**

**Discussion: There was discussion of the adoption of NFPA 1500 guidelines, the impact on communities, and the approach of allowing individual fire departments to make decisions relative to adopting rules.**

**VOTED to adopt a resolution, as follows:**

### **Burrillville Town Council Resolution**

#### **In Opposition of House Bill**

**2011 – H 5103**

**An Act Relating to Health and Safety – Programs for Fire Departments.**

**Be It Hereby Resolved:**

**The Town Council of the Town of Burrillville hereby opposes the enactment of Bill 2011 – H 5103, an Act Relating to Health and Safety – Programs for Fire Departments, which would amend the process by which fire departments implement the requirements of NFPA 1500 and would amend the composition of the NFPA (National Fire Protection Association) 1500 Implementation Plan Review Committee.**

**BE IT FURTHER RESOLVED that the Burrillville Town Clerk is hereby instructed to submit a copy of this resolution to the Burrillville State Senators and State Representatives in the Rhode Island General Assembly seeking their consideration and support of the proposed legislative changes set forth above.**

**Adopted this 31st day of January 2011**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor David J. Place. The motion carried, six in favor, one opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson. Councilor Edward J. Blanchard voted in opposition.**

### **35. Proposed changes to Police/Fire injured on duty statute**

**Changes may be proposed to the statutes related to police and fire injured on duty. Please investigate and provide clarification to the Town of the purpose and effect of the amendments.**



**VOTED to support for clarification.**

**Motion by Councilor Edward J. Blanchard. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.**

### **36. Zambarano Hospital**

**Town Council would like to be a direct participant in any master-planning project or initiative that is being considered for the future viability or use of the Eleanor Slater Hospital, Zambarano Unit or the site.**

**VOTED to support.**

**Motion by Councilor Kevin D. Heitke.**

**AMENDMENT to add “and administration” after Town Council.**

**Amendment by Councilor Stephen N. Rawson. Seconded by Councilor Edward J. Blanchard. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.**

**The Town Council requests your support for the proposed Rhode Island National Guard Proposal to relocate the Regional Training Institute to Burrillville across the highway and south of the hospital grounds. Please keep the Town Council apprised of any progress on this proposal.**

**VOTED to adopt a resolution, as follows:**

**Burrillville Town Council Resolution**

**Supporting Consideration of a Rhode Island National Guard Regional Training Institute Relocation Proposal**

**WHEREAS, the Rhode Island National Guard is advancing a proposal for the relocation of the Rhode Island National Guard Regional Training Institute (RTI) to state property in the Town of Burrillville; and**

**WHEREAS, the Rhode Island National Guard suggests that the Regional Training Institute campus would contribute to the good and welfare of the Town of Burrillville not only economically but also by allowing non-profit and civic organizations to use all of its facilities; and**

**WHEREAS, Rhode Island National Guard maintains a Good Neighbor Policy to address and attempt to resolve problems and concerns raised by neighbors; and**

**WHEREAS, the Rhode Island National Guard asserts that the presence of the Regional Training Institute campus will not change**

property values or public access to the Buck Hill Management Area;  
and

WHEREAS, the Rhode Island National Guard intends to attempt to secure federal funding to make necessary improvements to the hospital sewer system as part of the project.

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville on this 31st day of January 2011 do hereby support the efforts of the Rhode Island National Guard to continue to investigate the feasibility of relocating the Rhode Island National Guard Regional Training Institute (RTI) to state property in the Town of Burrillville.

Motion by Councilor Margaret L. Dudley.

AMENDMENT to support the resolution but to request that the National Guard come back to discuss the proposal with the Council.

Amendment by Councilor Edward J. Blanchard. Seconded by Councilor David J. Place. The motion carried six in favor, one opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Edward J. Blanchard, Wallace F. Lees, Margaret L. Dudley, David J. Place and Stephen N. Rawson. Councilor Kevin D. Heitke voted in opposition.

### **37. Sewer Commission - Enabling Legislation**

The Town Council may ask to amend the enabling legislation that

**empowers the Burrillville Sewer Commission so that the Town Council has a role in setting or approving sewer assessments (betterment charges).**

**VOTED to support enabling legislation that the Town Council would be empowered to have a role in setting or approving sewer assessments.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor David J. Place. The motion carried, five in favor, two opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, David J. Place and Stephen N. Rawson. Councilors Edward J. Blanchard and Kevin D. Heitke were opposed.**

### **38. RI League of Cities & Town 2011 Legislative Agenda**

**Town Manager to provide the Town Council with further information throughout the year. The Town Council or the Town Council President, acting on behalf of the Town Council, will be asked to periodically support the League's legislative agenda items and to respond to legislative alerts for actions that the state legislature may be considering that affects the Town of Burrillville.**

**VOTED to support.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor David J.**

**Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.**

**VOTED to adjourn at 9:07 P.M.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor David J. Place. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Edward J. Blanchard, Margaret L. Dudley, Kevin D. Heitke, David J. Place and Stephen N. Rawson.**

**The meeting was recorded.**

**Louise R Phaneuf, Town Clerk**